SRIMATI T. NARAYANI AMMA (*Nominated*): Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following members :—

Messrs: T. K. Velu Pillai.
Rao Sahib Mahakavi S. Paramesvara Iyer.
Miss. Hepzibah Gnanasikamoney.
P. Chidambaram Pillai.
K. A. Narayana Pillai.
G. Nilakantan.
A. Thanu Pillai.
K. Padmanabhan.
K. Kunjukrishna Pillai.
K. R. Elenkath.
A. Easwara Pillai (Kalkulam II).
N. E. Varughese.
T. T. Kesavan Sastri.
P. C. Narayana Bhattatiripad.
T. P. Velayudhan Pillai.
M. Sivatanu Pillai.
S. Chattanatha Karayalar.
Kayalam Paramesvaran Pillai,
T. Narayani Amma.

MISS. HEPZIBAH GNANASIKAMONI (*Nominated*): I second it.

DEPUTY PRESIDENT: The Committee will report within four months.

THE TRAVANCORE KAMMALA BILL.

MR. G. NILAKANTAN (*Nominated*): Sir, I beg to move that the Travancore Kammala Bill be taken up for consideration. Copies of the Bill have been circulated to the members long ago. The details of the Bill have been dealt with in the statement of Objects and Reasons.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): I second it.

MR. G. NILAKANTAN (*Nominated*): I will now proceed to make a few observations on the details of the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Before we proceed, Sir, I wish to make one observation. Certain papers and memorandum and copies of certain speeches have been put on our tables by somebody, by whom we do not know. I wish to know whether it was done by Government or whether any authorised agency has put these bunch of papers. I may also say that these contain highly defamatory statements concerning the member who introduces this Bill and makes vile and unscrupulous allegations against him. I wish to know whether it is right that such things containing unauthorised publications be circulated here.

DEPUTY PRESIDENT: Mr. Kunjukrishna Pillai has raised a point of considerable importance and I asked the Secretary of the Assembly on the matter. He tells me that the Government have not placed those

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papers on the table. With regard to the circulation of papers in this House I hope it will be understood and also acted upon that unless some responsible person acts in a responsible manner, such circulation must not be allowed. For, it will lead to complications of a serious character. The principle itself is wrong. This House is not a kind of no man's land where anybody can do anything he likes. I trust that sufficient care will be taken to prevent irresponsible circulation of papers in this House.

MR. G. NILAKANTAN (*Nominated*): The Kammalas in Travancore are divided into two sections, the Pandi Kammalas and the Malayala Kammalas. This is seen from the Census Report, Page 373. The Malayala Kammalas are divided into 10 sections, consisting of denominations detailed on page 152 of the Census Report Vol. II. The Bill is intended for these classes of people. The Malayala Kammalas number over 1,96,000 and the Tamil Kammalas about 13,000. The desire of the community for a Bill of the kind was felt for a very long time. In the year 1103 when Mr. K. Neelakantan Achari a well-known Sanskrit scholar, author and foremost member of the community became the member of the Sri Mulam Popular Assembly, he brought forward a Bill of this kind and asked the permission of Government to introduce his Bill to regulate marriage, succession &c. of the Kammalas. Then the Dewan-President ordered that the community should organise itself and bring forward a Bill and that Government would do the needful. Unfortunately since no member of the community had the opportunity of acting according to the instructions of the Dewan and bring forward a Bill, being the first member of the Community nominated to this Assembly I took up this question. After consulting the leading members of the community and after having made several researches in the matter I drafted a Bill of the kind, and asked for the permission of Government to introduce this Bill. This Bill was submitted some two years ago. Considerable opposition was made in regard to this Bill. The Government referred the matter to the Division Peishkars. They enquired into the matter and have submitted a report to say that such a Bill is very necessary.

Though the Kammalas are *makkathayees* and are supposed to be governed by the Mithakhshra law in regard to their marriage and inheritance, their law of inheritance has been so changed by custom that they do not practically follow the Mithakhshara law. For instance to establish the validity of marriage, the custom called *Kudivaippu* (കുടിവയ്പ്) has to be proved. In the absence of such proof, no children of the married woman can inherit the self acquired or ancestral property of their father.

In my own family a dispute arose, as to succession, which went on for 14 years. My father claimed through the female line and the opposite party through the male line. My father unfortunately happened to be in the wrong. (*Laughter.*).

DEPUTY PRESIDENT: While recognising the justice with which the mover of the Bill has referred to his father I may say that the details of the transactions in the mover's family are not relevant. Of course a passing reference may be made.

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MR. G. NILAKANTAN (*Nominated*) : All that I intended to say was that there was and is no recognised law.

The court presumes that they should be governed by the Mithakshara law, but the custom is different. The existing custom allows divorce, widow marriage and remarriage. Unfortunately the custom is abused as there is no restriction by law. One of the objects of the Bill is to restrict divorces. A First Class Magistrate in a maintence suit wrote a judgment in which he remarked "The Kammalas can marry and divorce as they please".

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Have they not appealed to the High Court?

MR. G. NILAKANTAN (*Nominated*): All these cases ended in the middle stage because the parties were too poor to take them to the High Court?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Was it a civil or a criminal suit?

DEPUTY PRESIDENT: That question is irrevelent.

MR. G. NILAKANTAN (*Nominated*): According to strict custom a marriage between a Tamil Kammala and a Malayala Kammala or a marriage between the members of some of the subsections is not allowed. If that is done they become out castes. In Quilon there are families of such out castes.

DEPUTY PRESIDENT: I wish to ask you a question. Is the distinction between a Malayala Kammala and a Tamil Kammala etymological or linguistic?

MR. G. NILAKANTAN (*Nominated*): They now differ in manners, culture, custom and language. It is said they originally descended from the same stock.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*) : Are there not families in which one member takes to the occupation of goldsmith, another silversmith, another blacksmith and still another to the occupation of masonry?

MR. G. NILAKANTAN (*Nominated*): In olden days each section of the community readily stuck on to the profession of their fathers, but nowadays usufruction are not observed and each one pursues the profession for which there is demand.

MR. S. J. NAIR (*Nedumangad*) : May I know whether there are not instances in which a Malayalam speaking Kammala has become Tamil speaking Kammala and *vice versa*?

MR. G. NILAKANTAN (*Nominated*): I am not aware. Some, however, pretend to be what they are not.

MR. M. SIVATANU PILLAI (*Tovala*) : Are there many pretenders like that?

DEPUTY PRESIDENT: That question is more humorous than substantial.

MR. G. NILAKANTAN (*Nominated*) : I want to make these marriages, either between a Tamil speaking Kammala and a Malayalam speaking Kammala or between one section of the Kammalas with another section, valid.

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MR. A. S. DAMODARAN ASAN (*Mavelikara*): Are they invalid then?

MR. G. NILAKANTAN (*Nominated*): Parties to such marriages are now out castes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether in the case of a marriage between a Pandy Kammala and a Malayala Kammala which member of the two communities is excommunicated?

MR. G. NILAKANTAN (*Nominated*): Both are excommunicated.

MR. M. SIVATANU PILLAI (*Tovala*): May I know which community is bigger, whether the Pandy Kammala or the Malayala Kammala?

MR. G. NILAKANTAN (*Nominated*): The Pandy Kammala thinks he is bigger while the Malayalam Kammala thinks he is bigger.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Are there not cases of Malayalam speaking Kammala families having gone and settled down in Nagercoil side and become Tamil speaking Kammalas and some Tamil speaking Kammala families gone to north Travancore and become Malayalam speaking Kammalas?

MR. G. NILAKANTAN (*Nominated*): Not to my knowledge I have got 45 years' intimate knowledge of the two communities.

Recently the Madras Government in an order has stated that the Kammalas of Malabar and Tamil countries are two different communities.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether it is the intention of the member to have acleavage between the communities or a combined community?

MR. G. NILAKANTAN (*Nominated*): Now the universal idea is that all men should be of one community whether it be Brahmin, Paraya or Pulaya.

DEPUTY PRESIDENT: Will the member please proceed with his arguments?

MR. P. C. KURIYAN (*Kottayam I*): Is there Kammalas outside Travancore?

MR. G. NILAKANTAN (*Nominated*): Yes.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know whether there are Christian Kammalas?

MR. G. NILAKANTAN (*Nominated*): Yes.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know whether there are Pandy Kammalas who can speak Malayalam?

MR. G. NILAKANTAN (*Nominated*): Yes, not only Malayalam but Tamil also. Brahmins can speak Malayalam. Even Europeans can speak Malayalam.

DEPUTY DEPUTY: Those surprising answers are not necessary.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know whether the member is willing to delete the word "Malayalam"?

DEPUTY PRESIDENT: That question does not arise now.

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MR. G. NILAKANTAN (*Nominated*): I said polygamy exists in the community. This makes succession difficult. For instance in an important family in Quilon which followed polygamy one of the fathers of the children died (*continued Laughter*) and the remaining father disowned the children.

DEPUTY PRESIDENT: I shall give you an opportunity to correct yourself.

MR. G. NILAKANTAN (*Nominated*): So they could not claim the property which they were entitled to.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the object of the member in excluding the Tamil Kammalas from the operation of the Bill?

MR. G. NILAKANTAN (*Nominated*): That is because they want to stand aloof.

With the Kammalas generally there is no distinction between self acquired and ancestral properties. The sons can dispose of the properties as they please. But unfortunately two years ago there was a judgment to the contrary. That complicated matters. So we want a definite law as to whether there should be distinction between ancestral property or not.

MR. S. J. NAIR (*Nedumangad*): May I know what the member meant when he said that one of the fathers died, a man having two fathers? Is it the member's opinion that he.....

DEPUTY PRESIDENT: We have travelled far away from that. Mr. Nilakantan will proceed.

MR. G. NILAKANTAN (*Nominated*): In some places the properties go to sons and in other places they go to sons and daughters. There is no uniformity. In Mayanad and other places as soon as a man dies, sons and daughters divide their father's property ignoring the claims of all others. That is another system of dividing the properties.

Then, Sir, according to the Mithakshara Law, the widow has only a limited right on the property of her husband. In some cases as soon as a man dies she goes out empty handed. Another defect in the existing custom is that, even if a daughter is married and if she continues to live in her father's house, she is also entitled to a portion of the father's property. All these are stated to show that Kammalas are not governed by the Mithakshara law but by custom.

Now Sir, I come to that provision of the Bill where I have not included the Tamil Kammalas. Sir I have known them for the last 15 years intimately. None of them expressed a desire to come into line with the Malayala Kammalas. If they should only show a gesture or willingness to associate with us I shall be most glad. They are conservatives and they do not want to be moved away from their conservative groove. In Madras, there was a proposal that Tamil Kammalas and the Andhra Kammalas should dine together. But the Andhra Kammalas strongly protested and threatened to break away from the joint association.

MR. A. THANU PILLAI (*Trivandrum – Rural*): When was that?

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MR. G. NILAKANTAN (*Nominated*): Last year.

MR. M. SIVATANU PILLAI (*Tovala*): Do the Malayala Kammalas wear any holy thread ?

MR. G. NILAKANTAN (*Nominated*): Some people who are fond of reforms wear. But people like myself do not wear holy thread at all.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Do you invest these holy threads to the members of your community.

MR. G. NILAKANTAN (*Nominated*): No.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is there any rule to the effect that holy thread should be worn in certain religious ceremonies in connection with architectural works in temples ?

MR. G. NILAKANTAN (*Nominated*): The sastras say that holy thread is physically and mentally sanctifying and that it should be borne only on occasions of purity as when we make images of deities. It is therefore that we wear it when we make images of deities and perform religious or domestic ceremonies.

MR. K. R. ELENKATH (*Kalkulam I*): Is it not very difficult to distinguish Malayala Kammalas who wear holy thread from Tamil Kammalas ?

MR. G. NILAKANTAN (*Nominated*): If imitation succeeds ; but language will declare the difference.

Then Sir, coming to the next Section I may say that this Section will apply to Malayalam speaking Kammalas only. Why this Section is included, is made clear in the statement of Objects and Reasons. Malayalam speaking means those Kammalas whose mother tongue is Malayalam. The Malayala Kammalas have their own customs and manners. In the Sastras they follow, in the conception of art they follow, and in the artistic taste they show in making images, there is fundamental difference between a Malayala and a Tamil Kammala.

DEPUTY PRESIDENT: I think we have had enough about that.

This Bill is intended for the Malayala Kammalas. The Tamil Kammalas do not show any desire to have a Bill. They say that the provisions under the Mithakshara Law will be sufficient to their purpose.

Then about marriage and right of succession, we, like the Nairs and the Ezhavas, used to celeberate our marriages by giving cloth.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): How do the other Kammalas celeberate their marriages ?

MR. G. NILAKANTAN (*Nominated*): In the same way, they have adopted the Brahminical ways of tying talis.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know whether the Malayalam speaking Kammalas marry Tamil speaking Kammala girls ?

DEPUTY PRESIDENT: Order. That part of the subject, has been dealt with in sufficient detail and considerable fulness. The only point remaining is the provisions of the Bill in relation to the

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[Deputy President]

principle underlying the Bill itself. The question of the difference between the Malayala and the Tamil Kammalas has been sufficiently threshed out. No doubt, there is no time limit, specially so called, with regard to speeches, yet I would insist on strict relevancy in the speeches.

MR. G. NILAKANTAN (*Nominated*) : The Sections 3 to 8 provide the ways in which marriages can be performed and dissolved.

MR. S. J. NAIR (*Nedumangad*): May I know whether it is the intention of the Section in the Bill that compensation be insisted upon?

MR. G. NILAKANTAN (*Nominated*): Divorce is now cheap and I want to make it as dear as possible.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member what is the maximum fixed by way of compensation?

DEPUTY PRESIDENT: It is a matter of detail and is not to be considered in this stage.

MR. G. NILAKANTAN (*Nominated*): Then coming to the Sections dealing with maintenance, Sections 10, 11 and 12 provide ample provisions for this. The provisions will read very drastic but they will stabilise the existing practice.

The Nair Bill and other Bills passed in recent times have done away with the rights of joint property, and they have recognised the individual rights. Chapter IV deals with succession and it makes no distinction between an ancestral or any other property. The relevant Section reads thus :—

> "No person shall on any ground of disability be excluded from inheritance or from a share of the joint family property on partition".

Then Clause 18 reads :—

> "No lineal descendant of any Kammala shall acquire by birth any interest in the property inherited or acquired by such Kammala".

I think, Sir, this is a provision which is absolutely necessary to prevent litigation and to find the means of developing individual resourcefulness. With these words I commend the Bill to the consideration of the House.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know from the member that among Kammalas different customs prevail in different taluks of the State?

MR. G. NILAKANTAN (*Nominated*): That is why this Bill is brought forward.

MR. N. VELU ACHARI (*Co-opted*): സർ, കർമ്മാളബില്ലിനെ സംബന്ധിച്ചു സമുദായത്തിന്റെ അഭിപ്രായം രേഖപ്പെടുത്തുന്നതിനായി എന്നെ ഒരു പ്രതിനിധിയായി ഈ മഹാസഭയിൽ നാമനിർദ്ദേശംചെയ്തതിൽ എനിക്കുള്ള അകൈതവമായ കൃതജ്ഞതയെ ഞാൻ ഇവിടെ ആദ്യമായി പ്രകാശിപ്പിച്ചുകൊള്ളുന്നു.

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ഇന്നാട്ടുവിശ്വകർമ്മ സമുദായത്തിൽ തമിഴ് കമ്മാളരെ ഒഴിച്ചു മലയാളക്കമ്മാളരെ മാത്രം ഉൾപ്പെടുത്തിക്കൊണ്ടുവന്നിട്ടുള്ള ഒരു ബില്ലാണിത്. ഈ നാട്ടിലെ കർമ്മാളർ ഒരൊറ്റ സമുദായമായി അറിയപ്പെടുന്നവരാകുന്നു. ഏ ലക്ഷത്തിൽപ്പിലപ്പാനം ജനസംഖ്യവരുന്ന ഈ സമുദായത്തിലെ അംഗങ്ങൾ തികച്ചും വ്യവസായികളും കരകൗശലത്തൊഴിൽ ചെയ്യുവരുന്നവരും ഒരേ ഒരു പരമ്പരയിൽനിന്നും വന്നിട്ടുള്ളവരുമാണെന്നും ഉള്ളതിനു ധാരാളം തെളിവുകളുണ്ട്. ഇങ്ങനെ ഒറ്റ സമുദായമായികാണുന്ന ജനങ്ങളെ രണ്ടായിപ്പിരിച്ചു അവരുടെ ശക്തിയെ കുറച്ചും അവരുടെ ആത്മീയമായും, ഭൌതികമായുമുള്ള പുരോഗതിയെ തടയുന്നതിനു പര്യാപ്തവുമായ ഒരു ബിൽ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു് കർമ്മാളസമുദായത്തിനു ഒരിക്കലും അനുയോജ്യമല്ല.

MR. E. K. KUNJU RAMAN (*Nominated*) : മെമ്പർ തമിഴ്കമ്മാളനോ മലയാളകർമ്മാളനോ?

MR. N. VELU ACHARI (*Co-opted*) : ഞാൻ ഇപ്പോൾ മലയാളംസംസാരിക്കുന്ന കർമ്മാളനായി അറിയപ്പെടുന്നുവെങ്കിലും മുൻകാലങ്ങളിലുള്ള നടപടികളും എഴുത്തുകുത്തുകളും കൊണ്ടു എന്റെ പൂർവ്വികന്മാർതമിഴ് സംസാരിച്ചിരുന്ന കമ്മാളരായിരുന്നു എന്നാണു കാണുന്നതു്.

ഈ ബില്ലിനെ സംബന്ധിച്ചു യാതൊന്നുംതന്നെ സമുദായാഭിവൃദ്ധിക്കായി പ്രവൃത്തിച്ചുകൊണ്ടിരിക്കുന്ന പ്രവർത്തകന്മാർപോലും അറിഞ്ഞിട്ടില്ലെന്നുള്ളതു പരമാർത്ഥമായ ഒരു സംഗതിയാണു്. ഇങ്ങനെ ആരെയും അറിയിക്കാതെ ഒരു ബിൽ സ്വന്തമായി എഴുതി ബഹുമാനപ്പെട്ട ഈ അസംബ്ലിയിൽ അവതരിപ്പിച്ചു രണ്ടേകാൽലക്ഷം ജനങ്ങളും അടങ്ങിയ ഒരു സമുദായത്തെ കബളിപ്പിക്കയാണു് ചെയ്തതെന്നു പറയാതിരിക്കുവാൻ നിവൃത്തിയില്ല.

DEPUTY PRESIDENT: നാട്ടുകാരുടെ സമ്മതംക്രടാതെ കൊണ്ടുവന്നു എന്നു പറയാം. അല്ലാതെ നാട്ടുകാരെ ആരെയും അറിയിക്കാതെ കബളിപ്പിച്ചു ഒരു ബിൽ ഈ സഭയിൽ കൊണ്ടുവന്നു എന്നു പറയുന്നതു ശരിയല്ല.

MR. K. M. KURIAKOSE (*Muvattupuza II*) : എല്ലാതാലൂക്കിലുമുള്ള കമ്മാളരുടെ അഭിപ്രായം അറിയുവാൻ ഗവണ്മെന്റിൽനിന്നും വേണ്ടനടപടി നടത്തി എന്നുള്ളവിവരം മെമ്പർക്കറിയാമോ?

MR. N. VELU ACHARI (*Co-opted*): അറിയാം. ഒരു സമുദായത്തിന്റെസംഗതി ആ സമുദായത്തിൽപ്പെട്ട ആളുകൾക്കേ കൂടുതലായി അറിയാവു എന്നുള്ളതുകൊണ്ടു ഇതിനെ സംബന്ധിച്ചു സംസാരിക്കാൻ

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[Mr. N. Velu Achari.]

എനിക്കു കൂടുതൽസമയം തരണമെന്നു ഞാൻ ആദ്യമേ അപേക്ഷിച്ചു കൊള്ളുന്നു.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : എല്ലാകമ്മാളരേയും ഈ ബില്ലിന്റെ വ്യാപ്തിയിലുൾപ്പെടുത്തുന്നതിൽ വിരോധമില്ലെന്നു ഈ ബിൽ പ്രയോക്താവുതന്നെ സമ്മതിച്ചിരിക്കുന്ന സ്ഥിതിക്കു ബില്ലിന്റെ മൂലതത്വത്തോടു യോജിക്കുന്നതിൽ വിരോധമുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : സർ, ഞാൻ എന്റെ അഭിപ്രായം മുഴുവനും പറഞ്ഞുകൊള്ളട്ടെ. എനിക്കു പ്രധാനമായി പറയാനുള്ളതു് കമ്മാളരുടെയിടയിലുള്ള ഭാഷാവ്യത്യാസത്തെ കായ്മായി പരിഗണിക്കാൻ പാടില്ലെന്നാണ്. ഈ രാജ്യത്തു മലയാളഭാഷ പ്രചുരപ്രചാരമാകുന്നതിനുമുമ്പു വേറൊരുഭാഷയായിരുന്നു ഉണ്ടായിരുന്നതെന്ന സംഗതി നമുക്കെല്ലാവർക്കും അറിയാം. അപ്പോഴപ്പോഴുള്ള ആവശ്യം പ്രമാണിച്ചു പല നാടുകളിൽനിന്നും പെരുമാക്കന്മാരാലും മാഹാരാജാക്കന്മാരാലും വരുത്തപ്പെട്ടവരാണ് കമ്മാളർ എന്നു ചരിത്രം പറയുന്നുണ്ട്. ഇങ്ങനെ പല ദേശങ്ങളിൽ നിന്നും വന്നു പെരുകിയിട്ടുള്ള രണ്ടേകാൽ ലക്ഷം കമ്മാളർ ഓരോ പ്രദേശങ്ങളിൽ താമസിച്ചു അവിടവിടെയുള്ള ഭാഷവേഷാദികൾ കാലക്രമേണ സ്വീകരിക്കുന്നതിനു നിർബ്ബന്ധിതരായിത്തീർന്നു എന്നുള്ള പരമാർത്ഥം ഇവിടെ പറയേണ്ടതായിട്ടുണ്ട്. ഇപ്പോൾതന്നെ ഒരൻപതു വർഷത്തിനുമുമ്പു നാഗർകോവിലിരുന്നിന്നും മദ്ധ്യതിരുവിതാംകൂറിൽ താമസം ഉറപ്പിച്ച അഞ്ചാറു കമ്മാളകുടുംബക്കാർ മലയാളം കുടുംബഭാഷയായി സ്വീകരിച്ചിട്ടുണ്ട് എന്നു പ്രത്യക്ഷത്തിൽ കാണാവുന്നതാണ്. അതുപോലെതന്നെ വടക്കൻപറവൂർ നിന്നും രണ്ടു മൂന്നു കുടുംബക്കാർ നാഗർകോവിലിൽ വന്നു സ്ഥിരതാമസം ഉറപ്പിച്ചിട്ടു് മുപ്പതു വർഷത്തോളമായി; അവരുടെ ഭാഷ തമിഴായിതിന്നിരിക്കുന്നു. ചില ഭാഗങ്ങളിൽ തമിഴും മലയാളവും കലർന്നു സംസാരിക്കുന്ന കർമ്മാളരുണ്ട്. കർമ്മാളർ വിദ്യാഭ്യാസം ധനസ്ഥിതി ഇവയിൽ വളരെ പിന്നോക്കം നിൽക്കുന്ന ഒരു സമുദായമായതുകൊണ്ടു് അവിടവിടെയുള്ള ഭാഷ സ്വീകരിക്കുന്നതിനു അവർ നിർബന്ധിതരായിത്തീർന്നു. നാഗരുകോവിലിൽനിന്നും തിരുവനന്തപുരത്തേക്കു വരുമ്പോൾ ഭാഷമാറുന്നു. അവിടെ നിന്നു വടക്കോട്ടു വടക്കോട്ടു ചെല്ലുംതോറും ഭാഷയുടെ ഗുണവും സ്വരവും പ്രത്യേകമായിട്ടാണു കാണുന്നതു്.

ഒറ്റ സമുദായമായി അറിയപ്പെടുന്നവരാണ് കർമ്മാളർ എന്നുള്ളതിനു പല ലക്ഷ്യങ്ങളുമുണ്ട്. ഇവർ വളരെ വളരെ കാലങ്ങൾക്കുമുമ്പു

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മുതല്ല തന്നെ സാമുദായിക സംരംഭങ്ങളിലേപ്പെട്ട പല സമ്മേളനങ്ങളുംനടത്തിയിട്ടുണ്ട്. ൧൯൨൫ ഡിസംബർ ൩൧-൦൩- ൹ക്ഷിണതിരുവിതാംക്കൂറിൽ (നാഗർകോവിലിൽ)കമ്മാളരുടെ ഒരു കാൺഫറൻസുകൂടി പ്രമേയങ്ങളം പാസാക്കിയിട്ടുള്ളതു ഗവണ്മെൻറിലേക്കു സമർപ്പിച്ചതു് ൧൯൨൬ ജനുവരിയിലാണു്. ഇവിടെയുള്ള കർമ്മാളരുടെ സാർവത്രികമായ അഭിവൃദ്ധിയെ ഉദ്ദേശിച്ചുള്ള കാൺഫറൻസു നടന്നുവരികയാണു്. കഴിഞ്ഞയാണ്ടിൽതന്നെ ഈ ജൂബിലിടൌൺഹാളിൽ വച്ചു മി. ഇ. സുബ്രഹ്മണ്യയ്യരാൽ ഉൽഘാടനം ചെയ്യപ്പെട്ട ഒരു കർമ്മാള മഹാജന കാൺഫറൻസു് നടത്തുകയുണ്ടായി. ആ കാൺഫറൻസിലെ നിശ്ചയങ്ങളും ഈ ബില്ലിനെ സംബന്ധിച്ചുള്ള വിപരീതാഭിപ്രായങ്ങളും പാസ്സാക്കി ഗവണ്മെൻറിൽ സമർപ്പിച്ചിട്ടുണ്ടു്. ഈ നാട്ടിലുള്ള വിശ്വകർമ്മജരെല്ലാം ഒരു പരമ്പരയിലുള്ളവരാണെന്നും, അവർ തമ്മിൽ ജാതിവ്യത്യാസമില്ലെന്നും, ബില്ലിൽ അവരെ രണ്ടായി പിരിക്കുന്നതു ശരിയല്ലെന്നും കാണിച്ചു ഗവണ്മെൻറിലേക്കു കാൺഫറൻസിൻെറ പ്രൊസീഡിംഗ്സും അയച്ചിട്ടുണ്ടു്.

MR G. NILAKANTAN (*Nominated*): തിരുവനന്തപുരത്തുകൂടിയ കാൺഫറൻസുകഴിഞ്ഞു തമിഴ് കമ്മാളരുടെ ഒരു മീറ്റിംഗ് ഉണ്ടായിരുന്നതായി മെമ്പർക്കറിയാമോ?

MR. N. VELU ACHARI (*Co-opted*): ഒന്നാമതായി ഇവിടത്തെ കർമ്മാളർ ഒരു പരമ്പരയാണെന്നുള്ളതിനു താഴെ പറയുന്ന പ്രമാണങ്ങളം സാക്ഷ്യംവഹിക്കുന്നു. ൧൯൦൧-ലെ സെൻസ്സസു റിപ്പോർട്ട് ൧൦ാംഭാഗം ൨൩ാംവാല്യം ൨൪൫-ാംവശത്തു കാണുന്നതിങ്ങനെയാണു്—

"At Trikkariyur in Muvattupuzha Taluk where it is said Parasurama was last seen by mortal eye, the writer was interested to see Kammalas having the identical dress and jewellery of Tamil Brahmins of the Smartha Persuation."

ഇതിൽനിന്നും ഇന്നു വടക്കൻതിരുവിതാംക്കൂറിലുള്ള വിശ്വകർമ്മജരുടെ വേഷവും ഭാഷയും ഇന്നത്തെപ്പോലെയല്ലായിരുന്നു എന്നു കാണാം. ഇന്നു് അവർ മലയാളം സംസാരിക്കുന്നവരും, മലയാളവേഷത്തിൽ കാണപ്പെടുന്നവരും ആണു്. ൧൯൨൫-ലെ സെൻസ്സസ് റിപ്പോർട്ടിൽ—

DEPUTY PRESIDENT: തമിഴ് സംസാരിക്കുന്ന കമ്മാളർ, മലയാളം സംസാരിക്കുന്ന കമ്മാളർ എന്ന വ്യത്യാസം ആവശ്യമില്ലെന്നാണു് മി. ആശാരിയുടെ അഭിപ്രായം. അതിനോടനുകൂലിക്കുന്ന പല രേഖകളുമുണ്ടെന്നു ഈ സഭാസമക്ഷം പ്രസ്താവിച്ചു കഴിഞ്ഞു. ആ രേഖകളം ഏതെല്ലാമാണു്, അതിൽ ഏതെല്ലാമാണു് വിശ്വസിക്കത്തക്കതു്, ഏ

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[Deputy President.]

തെല്ലാമാണ് വിശ്വസിക്കാൻ പാടില്ലാത്തത് എന്നുള്ള ഒരു ചർച്ച ഈ സന്ദർഭത്തിൽ ആവശ്യമില്ല. അതിനാൽ ഈ ബില്ലിലെ വ്യവസ്ഥകളെപ്പറ്റി പറയുന്നതു നന്നായിരിക്കും.

MR. N. VELU ACHARI (*Co-opted*) : സർ; തമിഴ് കർമ്മാളരും മലയാളക്കർമ്മാളരും ഒന്നല്ല എന്ന ബഹുമാനപ്പെട്ട മെമ്പർ പ്രസ്താവിച്ചു. അതു ശരിയല്ല; കർമ്മാളരെല്ലാം ഒന്നാണ് എന്ന ഈ സഭയെ ധരിപ്പിക്കേണ്ട ആവശ്യമുണ്ടെന്നു വിചാരിച്ചാണ് ഞാൻ ഈ ഭാഗങ്ങളെല്ലാം പറഞ്ഞതു്. അതുകൊണ്ടു് ആ സംഗതിയെപ്പറ്റി പ്രതിപാതിക്കാൻ ഈ സഭ എനിക്കു കുറെ സമയം അനുവദിക്കണമെന്നു അപേക്ഷിക്കുന്നു.

DEPUTY PRESIDENT : അതിലേക്കുള്ള രേഖകൾ എന്തെല്ലാമാണെന്നുള്ള വിവരം മാത്രം പറയാം.

MR. N. VELU ACHARI (*Co-opted*): രണ്ടാമതായി ഫ്രൻസ്-ലെ സെൻസസ്സ്റിപ്പോർട്ടിൽ പ്രാധാന്യം ഒന്നാംഭാഗം സ്വീകരിച്ചിരിക്കുന്നതു കാണുന്നതു് ഇങ്ങനേയാണ്:—

"Mr. M. Srinivasa Iyengar says, 'The Kammalas of Malabar and the Tamil districts must have descended from the same stock of Naga-Dravidian artizans mentioned in early Tamil literature and inscriptions'."

ഇതിൽനിന്നും ഇവിടത്തെയും തമിഴ്നാട്ടിലേയും കർമ്മാളരെല്ലാം തന്നെ ഒരു പരമ്പരയിൽ നിന്നുൽഭൂതമായിട്ടുള്ളവരാണെന്നു തെളിയുന്നു. മൂന്നാമതായി ഇതുകൂടാതെ ടി സെൻസസ്റിപ്പോർട്ടിൽതന്നെ ഇങ്ങനെയും കാണുന്നു:—

"There is a tradition to the effect that one of the Perumals who ruled over Kerala pressed a Kammalan to marry a woman of the washermen caste, which he refused to do. The Kammalas then went away in disgust to Ceylon and refused to return in spite of repeated entreaties ; but at last some Kammalas were sent back to Kerala by the Ilava king of Ceylon."

ഇതിൽനിന്നും കർമ്മാളർ പൌരാണികകാലത്തു് അന്യദേശങ്ങളിൽനിന്നും വന്നിട്ടുള്ളവരാണെന്നും അവർ ജാത്യാഭിമാനത്തെ നശിപ്പിക്കുന്നവരല്ലായിരുന്നു എന്നും കാണാവുന്നതാണ്.

നാലാമതായി തിരുവല്ലാക്ഷേത്രത്തിലെ സ്ഥലപുരാണത്തിൽ കാണുന്നതു് ഇങ്ങനേയാണ്. "തിരുവല്ലായിലെ ശില്പിവർഗ്ഗക്കാർ തമിഴ്നാടുകളിൽ നിന്നും കുടിയേറിപ്പാർത്തവരാണ്. ഇപ്പോഴും അവർ തമിഴരുടെ ആചാരവും രീതിയും ഏറെക്കുറെ അനുഷ്ഠിച്ചുവരുന്നു. തമിഴർ ധരിക്കുന്ന മുവന്നതൊ കുത്തതൊ ആയ നീണ്ടവസ്ത്രവും തമി

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ഴുടെ ആഭരണവും സ്വീകരിക്കുന്നു. ഭൈരവി, ഭദ്രകാളി, കറുപ്പൻ മുതലായ ദേവതകളെ അവർ ആരാധിച്ചുവരുന്നു. തിരുവല്ലാക്ഷേത്രം പണിയുന്നതിനായിട്ടാണ് അവരെ അവിടെ കൊണ്ടുവരപ്പെട്ടതു്. ശ്രീപത്മനാഭസ്വാമി ക്ഷേത്രത്തിലെ അറാകുറപ്പണിക്കായി ൯൦ വൃ-നോടടുത്തു മധുരയിൽനിന്നും തിരുനൽവേലിയിൽനിന്നും വന്ന ആശാരിമാരുമായി സഹകരിച്ചു പണിയുന്നതിനു മാർത്താണ്ഡവർമ്മമഹാരാജാവു തിരുമനസ്സിലെ കല്പനപ്രകാരം തിരുവല്ലായിൽനിന്നും ആശാരിമാരെ കൊണ്ടുപോകയും മഹാരാജാവു തിരുമനസ്സുകൊണ്ടു് അവരുടെ സാമർത്ഥ്യത്തെ പരിഗണിച്ചു അവർക്കു ചില പ്രത്യേകസമ്മാനങ്ങളും കൊടുക്കുകയും ചെയ്തതായി കാണുന്നുണ്ടു്. ഇവരുടെ സമുദായത്തിലെ സമ്പന്നന്മാരുടെ മുറ്റത്തുതന്നെയോ അല്ലെങ്കിൽ സമീപത്തോ ദേവാലയങ്ങളും ഉണ്ടു്. സ്വന്തസമുദായത്തിൽതന്നെ പുരോഹിതന്മാരും പൂജാരിയുമുണ്ടു്.''

DEPUTY PRESIDENT: കായ്യംമാത്രം പറഞ്ഞാൽമതി. മുഴുവനും വായിക്കണ്ടാ.

MR. N. VELU ACHARI (*Co-opted*) : വിശ്വകർമ്മജർ എല്ലാം ഒരു സമുദായമാണെന്നു തെളിയിക്കുന്നതിനുവേണ്ടി ഈ രേഖകളെല്ലാം എടുത്തു ചൂണ്ടിക്കാണിക്കുന്നതാണു്. അതിനാൽ കർമ്മാളരുടെ ഇടയിൽ വ്യത്യാസമുണ്ടെന്നു മി. നീലകണ്ഠൻ പറഞ്ഞ അഭിപ്രായം ശരിയല്ല.

ഇനി ബില്ലിനെ സംബന്ധിച്ചു ചുരുക്കിപ്പറയുകയാണെങ്കിൽ...

DEPUTY PRESIDENT: അതുപോലുള്ള പ്രമാണങ്ങളുണ്ടെങ്കിൽ അതെന്താണെന്നു പറയാം. ദീർഘമായിട്ടു പറയരുതെന്നേയുള്ളൂ.

MR. N. VELU ACHARI (*Co-opted*) : അഞ്ചാമതായി ശ്രീപത്മനാഭസ്വാമിക്ഷേത്രത്തിലെ പള്ളിവിൽപ്പുവയ്പു മുതലായ സ്ഥാനമാനം കിട്ടിയതു് അന്നത്തെ തമിഴകർമ്മാളനും ഇന്നത്തെ മലയാളം സംസാരിക്കുന്ന കർമ്മാളനും ആയ കുടുംബപരമ്പരക്കു കിട്ടീട്ടുള്ള ഒരനീട്ടു്. ''സ്ഥാനമാനത്തിനു തിരുവെഴുത്തെഴുതിയവകക്കു അനുവുന്നുവ-ാമതു ശ്രീരാമജയം ഫ൦നു൪-ാമാണ്ടു ഇടവമാസം ൪-ാംനു- വട്ടിയുക്കാവു് അധികാരത്തിൽ തമലത്തു പുതുവീട്ടുവിളാകംപുരയിടത്തിൽ കണ്ണാളൻ അനന്തപത്മനാഭൻ കണ്ടു്. മതിലകത്തു പള്ളിവിൽപ്പുവയ്പു ഉറപ്പെട്ട സ്ഥാനമാനങ്ങടെ അവനു നിന്റെ തകപ്പൻ മാതേവൻ അനന്തപത്മനാഭൻ കഴിഞ്ഞുപോയതിനാൽ അവൻ നടന്നവന്നതിൻവണ്ണം മതിലകത്തു പള്ളിവിൽപ്പുവയ്പുറപ്പെട്ട സ്ഥാനമാനത്തിനും അതുക്രടാതെ അട്ടക്കുളങ്ങര തോട്ടി

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[Mr. Velu Achari.]

ന്നും കല്ലാട്ടുമുട്ടുക്കിന്നുംമേക്കു പൊന്നരവരമ്പിനും വടക്കു വെള്ളമണലിനും കിഴക്കു ഇണ്ടളയപ്പൻകാവിനു തെക്കുമാക ഈ എല്ലുകയ്ക്കുത്തുംപ്പെട്ട ദേശകാണിയും ഇന്നാൾമുതൽ നിന്നെ ആക്കിയിരിക്കകൊണ്ടു അടിയറ പണം ഫ ൭ ൦-൦ അടുക്കുവതുപണം ന ൦-൦ നീട്ടുപണം ച ൦-൦ ചിട്ടിപ്പണം ഫ-൦ വഞ്ചിവക പണം ഫ അരയും ആകവ ക അഞ്ചിനാൽപണം ഫൻന അര ഇപ്പണംനൂറിത്തൊണ്ണൂറിമൂന്നരയും കൈവഴിചെല്ലും മുതൽക്കുട്ടുവകക്കു ഒടുക്കി മേലെഴുതിയ പ്രകാരം പള്ളിവിള്ളുവയ്പും പ്പെട്ട സ്ഥാനമാനവും ദേശകാണിയും ആചന്ദ്രതാരമേ സന്തതിപ്രവേശമേ നടന്നകൊള്ളുകയും വേണം. ഇപ്പടിക്കു ഫ ൦ ന ൭-൭മാണ്ടു ഇടവമാസം ൭-൦നു തിരുവുള്ളത്തുംപടി നിനവു് എഴുതിയതു ഗോവിന്ദപ്പിള്ള. ഈ വകയ്ക്കു സങ്കടംവച്ചു കല്പനവന്ന അടിയറ കച്ചീട്ടും എഴുതിവയ്പിച്ചു തിരുവെഴുത്തും കെട്ടിക്കൊടുത്തു—പകടശാല സവ്വാധികാര്യക്കാർ"

(ശരിപകർപ്പു്)

ആറാമതായി—ഫൻഫർ ഫെബ്രുവരി ഫ-നു വിശ്വകർമ്മസമുദായത്തിന്റെ കുലഗുരുവായ ശ്രീമത് കോളൂർ നാഥസ്വാമിയുപ്പാദത്തിൽനിന്നും കന്യാകുമാരിമുതൽ കൊച്ചിവരെ നിവസിക്കുന്ന വിശ്വകർമ്മജരുടെ ജാത്യാചാരനടപടികൾ ശരിയായി നടത്തി വരുന്നതിനു കർമ്മാളരിൽ ശാസ്ത്രജ്ഞന്മാരും മലയാളം സംസാരിക്കുന്നവരും ആയ ആളുകളെ ഉപ്പെടുത്തിയുള്ള ഒരു കമ്മിറ്റിക്കു കൊടുത്ത ഒരു നീട്ടു മൂലവും ഇവർ ഒരേജാതിയും തമിഴരെന്നും മലയാളിയെന്നും വ്യത്യാസമില്ലാത്തവരെന്നും കാണുന്നു.

ഹിന്ദുക്കളുടെ സാവ്വത്രികമായ പുരോഗതിയെ പരിഗണിച്ചു് ജാതിവ്യത്യാസം വർഗ്ഗവ്യത്യാസം ഇതൊക്കെ കളഞ്ഞു സമുദായങ്ങളെല്ലാം ഒന്നാകണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി ഇൻഡ്യയിലെ മഹാത്മാക്കളെല്ലാം പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുമ്പോൾ ഒറ്റ സമുദായമായി അറിയപ്പെടുന്ന വിശ്വകർമ്മജരെ രണ്ടായി പിരിച്ചുകൊണ്ടു അവരെ ബാധിക്കത്തക്ക ഒരു നിയമം ഇവിടെ അവതരിപ്പിച്ചതു് ആ സമുദായത്തിന് ഒരിക്കലും സ്വീകാര്യയോഗ്യമല്ല. കർമ്മാളർ പൊതുവെ തമിഴരും മലയാളരും അവർ മിതാക്ഷരനിയമത്താൽ ഭരിക്കപ്പെടുന്നവരാണെന്നും മറും ഈ ബില്ലിന്റെ പ്രയോക്താവുതന്നെ സമ്മതിച്ചുകഴിഞ്ഞു. മിതാക്ഷരനിയമത്താൽ ഭരിക്കപ്പെട്ടവരുന്നതുകൊണ്ടുകമ്മാളവർ മരുമക്കത്തായികളല്ലെന്നു പ്രത്യക്ഷമാകുന്നു. ഇതിൽനിന്നും കർമ്മാളവർ അന്യനാട്ടിൽ

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നിന്നും വന്നവരാണെന്നും വ്യക്തമാകുന്നുണ്ടല്ലൊ. അങ്ങിനേയുള്ള ഒരു സമുദായത്തിനായിട്ടു കൊണ്ടുവന്നിട്ടുള്ള ബില്ലു മിതാക്ഷരനിയമത്തിനു വിപരീതമായിട്ടാണു കാണുന്നതു്. ഹിന്ദുലായാൽ ഭരിക്കപ്പെട്ടുവരുന്ന സമുദായക്കാർപോലും അവരുടെ ആചാരങ്ങളിൽ അല്പസ്വല്പം വ്യത്യാസം വരുത്തണമെന്നു വിചാരിക്കുന്ന ഇക്കാലത്തു ഈ ലക്ഷത്തിപ്പുറം ജനസംഖ്യവരുന്ന വിശ്വകർമ്മജർക്കും ചില ആചാരവ്യത്യാസങ്ങൾ വരുത്തിയാൽ കൊള്ളാമെന്നുള്ള ആഗ്രഹമില്ലാതില്ല. അതായതു വിവാഹം, വിവാഹമോചനം, വിധവാവിവാഹം തുടങ്ങിയുള്ള ആചാരങ്ങളിൽ ചിലമാറ്റങ്ങൾ വരുത്തണമെന്നു ചിലർ വിചാരിക്കുന്നുണ്ടു്. അതൊക്കെ സമുദായത്തിന്റെ അഭിവൃദ്ധിയ്ക്കും പുരോഗതിക്കും ആവശ്യവുമാണു്.

വസ്തു അവകാശക്രമത്തെ സംബന്ധിച്ചിടത്തോളം ആളോഹരിക്രമാണു ബില്ലിൽ ചേർത്തുകാണുന്നതു്. എന്നാൽ തിരുവിതാംകൂറിലെ കമ്മാളക്കു ഭ്രസ്വത്തുണ്ടെന്നു പറയുവാൻ നിവൃത്തിയില്ല. കഷ്ടിച്ചു് അഞ്ഞൂറോ പത്തോ സെൻറു സ്ഥലമുള്ള കമ്മാളവർ ആയിരത്തിനു ഒന്നുവീതമേയുള്ളു. ആ സ്ഥിതിക്കു് ആളോഹരിഭാഗം വേണമെന്നു നിശ്ചയിക്കുന്നപക്ഷം ഉള്ള ഭ്രസ്വത്തും ഇല്ലാതേയാകുവാനാണു് എളുപ്പം. അതിനാൽ ആളോഹരിഭാഗം വേണമെന്നുള്ള ബില്ലിലെ വ്യവസ്ഥയെ ഞാൻ എതിർക്കുന്നു. വിവാഹത്തെ സംബന്ധിച്ചിടത്തോളം മിതാക്ഷരാവലംബികളുടെ ഇടയിൽ നടപ്പുള്ള ആചാരത്തെ ഭേദപ്പെടുത്തി വിധവാവിവാഹം നടപ്പാക്കുന്നതുകൊണ്ടുതരക്കേടില്ല. സമസ്തന്യായവ്യാപ്തിയുള്ളതും ഇവിടത്തെ ഒരു ജാതിക്കാരെന്നറിയപ്പെടുന്നതും ആയ വിശ്വകർമ്മജർ സകലരേയും ഏകീകരിച്ചു ഈ ബില്ലിൽ ഉൾപ്പെടുത്തുന്നപക്ഷം വിവാഹത്തെ സംബന്ധിച്ചുള്ള വ്യവസ്ഥയോടു ഞാൻ യോജിക്കയും ചെയ്യുന്നുണ്ടു്. വിദ്യാഭ്യാസവും ധനസ്ഥിതിയും ലോകപരിചയവും ഉള്ളവർ, സമുദായങ്ങളെല്ലാം എപ്പോഴും യോജിച്ചുകൊണ്ടിരിക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി പല ചട്ടങ്ങളും ഇവിടെ ഉണ്ടാക്കിയിട്ടുണ്ടു്. നായർസമുദായത്തിൽ ധാരാളം അവാന്തരവിഭാഗങ്ങളുണ്ടായിരുന്നു. അവയെ ഇല്ലാതാക്കി എല്ലാവരെയും ഏകീകരിച്ചു് സമുദായത്തിന്റെ പുരോഗതിക്കു പര്യാപ്തമായ വിധത്തിൽ ഒരു നായർബിൽ പാസ്സാക്കുകയാണുചെയ്തതു്. കർമ്മാളരുടെ ഇടയിൽ തൊഴിൽപരമായി ഈ ഉപവിഭാഗങ്ങളെയുള്ളു. അവരെല്ലാം അടിയന്തരാവശ്യങ്ങൾക്കു് ഒന്നിച്ചുകൂടി കഴിയുന്നുമുണ്ടു്.

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DEPUTY PRESIDENT : അവർതമ്മിൽ പരസ്പരവിവാഹം നടപ്പുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : സർ, അതുമുണ്ട്.

MR. G. NILAKANTAN (*Nominated*) : തിരുവല്ലാ മുതലായ സ്ഥലങ്ങളിലുള്ള കല്ലാശാരിമാരും മറ്റു കമ്മാളന്മാരുംതമ്മിൽ വിവാഹം നടപ്പുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : ഇപ്പോൾ തിരുവനന്തപുരത്തു കെട്ടിടത്തിന്റെ കൽകെട്ടജോലികളും ചുവർജോലികളും ചെയ്യുവരുന്നതായി സാവ്ത്രികമായി കാണുന്നത് ഈഴവരും നായന്മാരുമാണ്.

DEPUTY PRESIDENT : അതു് ആ ചോദ്യത്തിനുത്തരമല്ല.

MR. N. VELU ACHARI (*Co opted*): അതുപോലെ എവിടെയെങ്കിലും ഏതെങ്കിലുംജോലിക്കാർ കല്ലുവേല ചെയ്യുന്നതുകൊണ്ടു അവർ കമ്മാളരാണെന്നു വരുന്നതല്ല. അതുകൊണ്ടു അവരുമായി വിവാഹബന്ധമില്ല. എന്നാൽ കല്ലിൽ വിഗ്രഹവേല ചെയ്യുന്നവരുണ്ടു്. അവരും മറുകമ്മാളന്മാരും തമ്മിൽ വിവാഹബന്ധം നടപ്പുണ്ടു്.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): ചങ്ങനാശേരി, തിരുവല്ല മുതലായ സ്ഥലങ്ങളിലുള്ള ശില്പാശാരിമാർ തമ്മിൽ പരസ്പരം വിവാഹംനടത്തുകയും അടിയന്തരാദികളിൽ ക്രടിക്കഴിയുകയുംചെയ്യുന്നുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : ഓരോ കരയിലും പത്തോ പതിനഞ്ചോ കർമ്മാളകുടുംബക്കാർ ചേർന്നു അവരുടെഅടിയന്തിരാവശ്യങ്ങൾ ക്രടിക്കഴിഞ്ഞു നടത്താറുണ്ടു്. ആ കുടുംബക്കാർ തങ്ങളിൽ സ്ത്രീകളെ കൊടുക്കൽവാങ്ങൽ നടത്തുകയല്ലാതെ മറ്റു സ്ഥലങ്ങളിലേക്കു അതിലേക്കായി പോകുക പതിവില്ല. തിരുവനന്തപുരത്തു താമസിക്കുന്ന ഒരു കർമ്മാളൻ വടക്കൻപറവൂരിൽ ചെന്നു വിവാഹം കഴിക്കുന്ന പതിവും ഉണ്ടു്. അതൊക്കെ കുറച്ചു വിദ്യാഭ്യാസവുംമറ്റുമുള്ളവരുടെയിടയിലാണു്.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): ഒരു കരയിൽതന്നെയുള്ള മരപ്പണിശാരിമാരും ഇരുമ്പുവേലക്കാരും തമ്മിൽ വിവാഹബന്ധമുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : ധാരാളമുണ്ടു്.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): മദ്ധ്യതിരുവിതാംകൂറിലുണ്ടോ?

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MR. N. VELU ACHARI (*Co-opted*): മാവേലിക്കര, ചെങ്ങന്നൂർ, ചിറയിൻകീഴ് മുതലായ സ്ഥലങ്ങളിൽ ധാരാളംനടപ്പുണ്ട്.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): ചേർത്തല, വൈക്കം, ആലപ്പുഴ മുതലായ സ്ഥലങ്ങളിൽ അങ്ങനെ നടപ്പുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : ചില സ്ഥലങ്ങളിൽ അങ്ങനെയുള്ളവിവാഹങ്ങൾ നടപ്പില്ല എന്നു വരാം; അതു് അവരുടെ കുറവെന്നല്ലാതെ ആ സമുദായത്തിന്റെ കുറവല്ല.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : മലയാളം സംസാരിക്കുന്നവരുടെ ഇടയിലും കല്ലാശാരിയും മരപ്പണിക്കന്മാരുമുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) ; ഉണ്ടു്.

ഈ ബിൽ തമിഴ് സംസാരിക്കുന്ന കർമ്മാളരെ ഒഴിവാക്കിയാണു അവതരിപ്പിച്ചിട്ടുള്ളതു്. തമിഴകർമ്മാളർ ആരെങ്കിലും ഈ നിയമത്തിന്റെപരിധിയിൽ വരണമെന്നാവശ്യപ്പെടുന്നുവെങ്കിൽ അവരെക്കൂടിഉൾപ്പെടുത്തികൊള്ളാമെന്നു ബിൽ പ്രായോക്താവു അഭിപ്രായപ്പെടുകയുണ്ടായി. എന്നാൽ തമിഴ സംസാരിക്കുന്നവരെന്നും മലയാളം സംസാരിക്കുന്നവരെന്നുമുള്ള വ്യത്യാസംവയ്ക്കാതെകർമ്മാളരെഎല്ലാവരെയും ബാധിക്കത്തക്കവണ്ണം ഒരു നിയമമുണ്ടാക്കുകയും, ഈ നിയമത്തിനകത്തു വരുന്നതിനു സമ്മതമില്ലാത്തവക്ക് ഒഴിഞ്ഞുപോകുന്നതിനു സൌകര്യമുണ്ടാക്കികൊടുക്കുകയുമാണു് വേണ്ടതു്.

MR. A. THANU PILLAI (*Trivandrum-Rural*): തമിഴ്കർമ്മാളരും മലയാളകർമ്മാളരും തമ്മിൽ വിവാഹബന്ധമുണ്ടോ?

MR. N.VELU ACHARI (*Co-opted*): തമിഴ സംസാരിക്കുന്ന കർമ്മാളർ ഒരു നാനപക്ഷക്കാരാണു. അവർ തെക്കൻതിരുവിതാംകൂറിൽമാത്രമാണു ധാരാളമുള്ളതു്. ഞാൻമുൻപു പറഞ്ഞതുപോലെ അവരും അതാതു കരക്കുള്ളിൽ പാർക്കുന്നവരും തങ്ങളിൽതങ്ങളിൽ വിവാഹം നടത്തുകയല്ലാതെ അതിനു പുറത്തുപോകാറില്ല. ഇങ്ങനെയാണു തിരുവിതാംകൂറിൽ എല്ലായിടത്തും കാണാറുള്ളതു്.

DEPUTY PRESIDENT: മി. ആശാരി ഈ ബില്ലിന്റെ മൂലതത്വത്തോടു യോജിക്കുന്നോ യോജിക്കാതിരിക്കുന്നോ?

MR. N. VELU ACHARI (*Co-opted*): തിരുവിതാംകൂറിലുള്ള എല്ലാ കർമ്മാളരേയും ഉൾപ്പെടുത്തത്തക്കവണ്ണം ബില്ലിൽ വേണ്ട ഭേദഗതി വരുത്തുന്നുവെങ്കിൽ ഞാൻ ഈ ബില്ലിലെ തത്വത്തോടു യോജിക്കുന്നു. അങ്ങനെ രണ്ടുകൂട്ടരെയും ചേർക്കുമ്പോൾ സമുദായത്തിന്റെ പൊതുവെയുള്ള അഭിപ്രായം അറിഞ്ഞു വേണ്ട ഭേദഗതിവരുത്തുന്നതിനുള്ള അധികാരത്തോടു കൂടി സിലക്ട് കമ്മറ്റിക്കയക്കുകയാണെങ്കിൽ ഞാൻ ഈ ബില്ലിന്റെ തത്വത്തെ അനുകൂലിക്കാം.

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MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir,—

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I rise to a point of order. The Chief Engineer is not in his seat.

DEPUTY PRESIDENT: I must take very serious notice of a point raised by a very important member of the House. If the Chief Engineer does anything as a member of the House from a place not his seat, I shall be obliged to take note of that then. It does not matter that he is not in his seat now.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): On a point of explanation, Sir.

DEPUTY PRESIDENT: No explanation is necessary. I do not allow any explanation, because though the Chief Engineer was not in his seat he was not making any speech.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I want to know whether the four chairs in the last row of the official gallery of the House form part of the House.

DEPUTY PRESIDENT: Mr. Thanu Pillai evidently thinks that an answer to his question is going to augment the value of the decision that may be given by the Chair.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, I have very great pleasure in supporting the principle underlying this Bill. There seems to be a difference of opinion in the matter between the mover of the Bill and Mr. Velu Achari who thinks that the Bill is purposely intended to divide the community into two sections.

DEPUTY PRESIDENT: Let us have a calmer atmosphere.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Mr. Velu Achari in opposing the principle of the Bill said that the motive underlying this Bill was to bring a cleavage in a community which was hitherto enjoying the benefits of one community. But no such thing is mentioned in the statement of Objects and Reasons of this Bill.

Sir, Mr. Nilakantan has very well explained that there is a notable difference between the customs and manners existing in the two sections of the community, namely, the Tamil-speaking and the Malayalam-speaking sections. He has even stated that he has no objection if 'any section of the Tamil—speaking community so desires they may also be included by adding a provision to that effect.' It is therefore not his intention to bring about any cleavage in the society.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member suggesting that the Bill may be amended so as to include the Tamil-speaking Kammalas also within it?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I think such a charge can be made.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether it is not open to this House and the Select Committee to introduce any change in the Preamble of the Bill?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): That is what I was going to say. We have done so in connection with several other Bills. The only objection Mr. Velu Achari took was that this would bring

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about a cleavage, but Mr. Nilakantan assured us that there was no intention to bring about a cleavage. To me, Sir, it appears that the whole difference arises out of that unfortunate word 'speaking'. It would have been better if that word was omitted and instead of 'Malayalam-speaking Kammalas' insert 'Malayala Kammalas'. Language is no sure criterion to judge the difference in determining the two sections to apply the law.

With regard to the necessity for such a Bill Mr. Velu Achari is in perfect agreement with Mr. Nilakantan. Besides, we members of other communities also feel the necessity for a Bill relating to Kammalas. Coming from the northernmost extremity of Travancore, I must say that the necessity for such a Bill is keenly felt there where there are a good number of Kammalas. In the absence of any uniform and well established custom among the Kammalas, we feel it very difficult to have any dealings with this community. They also feel the same difficulty. We cannot safely buy a property from a Kammala nor can a Kammala buy a property from us. There are no decided cases as yet, and as Mr. Nilakantan said, there is no possibility of any Kammala going to the High Court and getting a decision in the matter owing to his poverty. Almost all cases and disputes are decided by some person of the locality. There are different customs prevailing in the same part of the country. Hence there cannot be any difference of opinion about the necessity for the Bill.

The chief difference of opinion seems to be about Chapter IV of the Bill relating to intestate succession. Mr. Nilakantan has adopted a principle to which the Hindu community in general and the Christian community from ancient times have agreed. Individual partition has become an accepted principle of the Nair community. Mr. Nilakantan has accepted that principle in framing this chapter. It is quite in line with current thought. If Mr. Velu Achari is opposed to that provision the Tamil section is at perfect liberty to adopt their law and keep out of the purview of this Bill. Inspite of certain defects with regard to details, which can easily be amended in the sub-committee, on the whole, the Bill is a very satisfactory measure. In the absence of any law, or uniform custom this will be a boon to the Kammalas as well as the other communities in the State. With these words I recommend the Bill to the acceptance of the House.

MR. S. J. NAIR (*Nedumangad*): Sir, I support the principle of the Bill. The Kammala community is an important community in the State. It is not possible to ignore their claims. They have contributed much towards art and architecture in the State. It has already been stated by the able mover of the Bill as well as Mr. Velu Achari that there is much difference amongst themselves,—difference in language, customs, manners, crafts, trade, occupation, marriage, dissolution, inheritance, wearing of sacred thread, adoption of the tuft of hair in front and back etc.—and it has already been admitted by Mr. Velu Achari that there is discord amidst concord. Mr. Velu Achari has been opposing not the principle of the Bill but only certain

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[Mr. S. J. Nair.]

portions of it on the ground that concord amidst discord must be brought about among the Malayalam and Tamil-speaking Kammalas. That is a matter that must be looked into by the Select Committee. The mover has stated that he has no objection to include the Tamil-speaking people if they want to come in.

MR. K A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether there is any difference between the Tamil-speaking Kammalas and Tamilian Kammalas?

MR. S. J. NAIR (*Nedumangad*): Tamilian Kammalas do not come under this Bill. The Tamilian Kammalas are in Pandy side and not in Travancore. That is my view.

With regard to the principle of the Bill, I do not quite agree with the framer that compensation should be given for divorce. No doubt compensation may be given where the party applying for divorce is the husband. There must be freedom for divorce. The need for absolute freedom for divorce for both the parties is the order of the day.

Again, the mover of the Bill says that he wants to provide equal rights for women. But he has not done so in the provisions of the Bill. I refer to Clauses 23, 24 and 30. Therein he ignores the equal rights of women with that of men in the matter of rights over properties. So I find that he has not attempted to safeguard the rights of women with regard to inheritance. With these few observations, I support the principle of the Bill.

MR. EDAVANATT S. PADMANABHAN MENON (*Shertala I*): Sir, while supporting the main principle of the Bill I wish to offer a few observations regarding the exclusion of Tamil speaking Kammalas from the purview of the Bill. Sir, I had occasion to know the general feeling among the Kammalas of northern Travancore a few weeks ago, as I had to preside over their conference which was held at Shertala.

The public opinion among the Kammala community seems to be that there is no real distinction between the Tamil-speaking Kammalas and the Malayalam-speaking Kammalas. According to the present customs there are certain barriers regarding marriages, interdining etc. Still they firmly believe that they come from one original stock with the same culture and tradition. In these days when social coherence and consolidarity accounts so much for political and social progress, the community desires that they never shall be bifurcated. That seems to be the prevailing opinion that I was able to gather from the Kammalas of North Travancore.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether the conference in which the honourable member took part, consisted of Tamil and Malayalam-speaking Kammalas or only one section of the Kammalas?

MR. EDAVANATT S. PADMANABHAN MENON (*Shertala I*): The distinction sought to be drawn on language seems to me to be bad. The contemplated Bill itself came in for a lot of discussion. About 17

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taluks were represented in that conference and that included Malayalam and Tamil Kammalas. As to the real representative nature of those organisations I cannot vouchsafe. That is why I cautiously put it that the prevailing opinion in the community seems to be that the Bill should not divide them. It is for the Select Committee to examine those matters. Whether it is a matter which will do them harm, or whether the clamour that all these communities should be included as one community based on common culture, are points that could be decided by the Select Committee.

Coming to the various provisions contained in the Bill I wish to say one word.

According to Census Report the Kammalas of the State number on the aggregate 2,08,441.

They group themselves into 11 sub-divisions.

Asari	99,091
Chayakurup	249
Chempukotty	376
Kallachari	15,109
Kannan	4,025
Kollan	23,724
Pandi Kammalan	13,381
Chilpachari	1,372
Thatchan	4,303
Thattan	30,355
Vellkurup	2,078

It is seen from these figures that nearly half of this community lives in Central and North Travancore.

My friend Mr. Nilakantan proposes to make a law affecting all these sections except the Pandy Kammalas. The first chapter in the Bill deals with the definition. This Bill shall apply to all Malayalam-speaking Kammalas domiciled in Travancore and to such Kammalas whether so domiciled or not, as have, or shall have marital relations with Malayalam-speaking Kammalas, so much so, the Tamil-speaking Kammalas are excluded from the purview of this Bill. That is the real difficulty. When once the sponsor of the Bill wants to make a law relating to marriage, succession and adoption in the Kammalas, it should be a general law applicable to all the Kammalas. In these days of social justice the legal rights of the Tamil-speaking Kammalas who come into intimate touch with the Malayalam-speaking Kammalas should certainly be considered. How the Tamil-speaking Kammala section can be excluded is a matter of serious concern. There is also another aspect. Even the Select Committee, I think, cannot change the Preamble of the Bill so as to include the Tamil-speaking Kammalas because my own fear is that special sanction of the Government will have to be obtained.

Relating to the provision for marriage and its dissolution it is more or less based on the existing law where *talikettu* is made as the main

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[Mr. Edvanatt S. Padmanabha Menon.]

outward sign affecting marital relations. Marriage itself is sought to be dissolved by death, mutual consent and dissolution. These are three modes of dissolution quite acceptable and in vogue.

As Mr. S. J. Nair pointed out, regarding the compensation Clause the amount fixed seems to be prohibitive and the whole subject must be scrutinized.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir the Government will keep an open mind in this matter. I wish however to make one observation in this connection. I heard that the opposition to the Bill was based on the ground that there are two communities among Kammalas, the Malayalam speaking and the Tamil speaking Kammalas and that the effect of this Bill will be to drive a wedge between the two communities. From what I have been able to gather, that seems to be the chief reason on which the Bill is opposed. It was suggested in reply that the Tamils may be added to the Bill. In view of this, I may say, that it may not be possible to do so. I must give the warning that perhaps the rules and standing orders may not allow a provision to include the Tamil portion later on. It is neither for the House nor for me to say that the Tamil speaking community could be included by an amendment. When the amendment is moved, the time would come and the Chair may rule it out. Some body may raise the point at that time and the Chair will decide it. We cannot say now what the decision will be. It is quite open to the Chair to say that the Tamil speaking Kammalas do not come and cannot be brought within this Bill. The Preamble of the Bill, it must be noted, says "whereas it is expedient to define and amend the law relating to marriage, succession and adoption of the Malayalam speaking Kammalas." Again, in the operation clause it says that it shall apply to all Malayalam speaking Kammalas. So then both in the Preamble and in the operation clause it is said that the Bill shall apply to Malayalam speaking Kammalas. It may be considered very necessary that the community to be affected must come within the Preamble and the operation clause. This is a social legislation, and the Tamil speaking community at large must know from the very outset that they are likely to be brought within the purview of this legislation. It is quite open for the presiding authority to take the view that in view of the Preamble and the operation clause of this Bill the Tamil speaking Kammalas cannot be brought in by an amendment. I am not dogmatising on that point. Those who oppose the Bill on the ground that a wedge is driven between the Tamil speaking and the Malayalam speaking Kammalas should consider this aspect of the matter also. All that I need say is that they run the risk of the Tamil speaking community not being included even though the mover of the Bill may be quite agreeable. When once the Bill comes to the Assembly the mover has no control over it nor any honourable member. That should be borne in mind. I merely point out one aspect of the question without committing myself to any position.

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MR. A. THANU PILLAI (*Trivandrum—Rural*) : Sir, in regard to what the Law Member has said I would only refer to the statement of Objects and Reasons wherein the mover himself has said that if any section of the Tamil speaking community so desires, they may also be included by adding a provision to that effect. So it cannot be said that the Tamil speaking community had absolutely no notice that this legislation might be passed affecting them. In that view I hope that in case the Select Committee is inclined to consider the question of bringing the Tamil speaking Kammalas also within the purview of the Bill there may not be any serious obstacle.

MR. S. J. NAIR (*Nedumangad*) : Does not the member know that Mr. Velu Achari has been co-opted as a member to represent the Tamil speaking Kammala ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : I know as much about that as my friend. Neither more nor less. What I have been able to know of him is that he is not a Tamil speaking Kammala. He is a Malayalam speaking Kammala much in the same way as I am a Malayalam speaking Nair.

In regard to the changes sought to be introduced in the Bill I wish to make one observation and that relates to Chapter 4 which deals with intestate succession. A good deal of change is sought to be made by the mover of the Bill. He wants to change the very basis of the law that now controls them. That is to say, the basis of the Mithakshara law is taken away and he seeks to introduce provisions which to my mind appear to be quite alien to the basis and structure of that system of law. In doing so I would like to examine broadly the provisions relating to intestate succession in order to see whether justice is sought to be done to men and women alike. Sir, he has been, I should submit very unjust to the Kammala woman especially, the Kammala daughter. I ask Mr. Nilakantan what sin she has committed ? Why he should think of depriving her of all rights to property and rights to maintenance that she even now enjoys ? Under the existing law a Kammala daughter has a right to maintenance out of the estates of the family in which she is born. Out of the estates of her father even after his death so long as she is a minor at any rate she gets a right for maintenance. By this Bill the ancestral as well as the self-acquired property of a man at the first instance descends to his sons and male children by his sons and also to the widow or widows. The daughter is totally excluded. Where is she to go ? What is to be her support after the father's death ? Even if she is married into another family, under the existing law by the fact of marriage she acquires certain rights in respect of the property of her husband, at any rate the ancestral property of her husband. Even that is taken away. I shall read Clause 16 of the Bill which reads as :—

> "No person shall by marriage acquire any interest in the property of the person whom he or she marries nor become incapable of doing any act in respect of his or her own property which he or she could have done if unmarried".

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[Mr. A. Thanu Pillai]

So the woman when she is married, does not get any property at all, if she does not get anything from her father. Why should she be made to suffer like that is not known to me. Under the existing law the daughter succeeds to the property of her father in case the father does not leave any sons or a widow. After all, the sons, widows, mother's brothers, brother's children all these come. The daughter is totally discarded. I wonder what she has committed of late to inflict this punishment. So this matter has to be considered very seriously. Not only the daughter but all heirs by female side are excluded. The daughter and her issues are almost totally excluded. That is the effect of the provision. That is a matter that has to be carefully considered. I think the daughter should be installed in her due place. These are general observations with regard to the Bill. The provisions relating to intestate succession has to be very substantially modified Even under the Mithakshara law, if the mother dies it is the daughter that succeeds. There also, the daughter is excluded as against the sons and other relations. So I think there is something which has totally clouded the vision of the mover in respect of the daughter. That mistake has to be rectified. I hope the Select Committee will examine all these provisions and make suitable amendments.

MR. K. PADMANABHAN (*Chirayinkil I*) : I would like to make a few observations with regard to this Bill. There is a good deal of misunderstanding among the Kammalas in general about its provisions. I have been able to gather that from my own observations. Probably that might be because the mover himself has sought to introduce the Bill into this House without ascertaining the views of the Kammalas in general. However, after he gave notice of this Bill to Goverment naturally the Kammalas began to think about that and being convinced of the necessity of a legislation of this kind they have been able to evolve a sort of agreement in this matter. Mr. Velu Achari's observation on this Bill, I believe, will enable us to clarify the position to a considerable extent. From his speech we understand that the only complaint of the so-called oppositionists seems to be that this Bill is intended only for a particular section of the Kammalas. If the other section namely the Tamil speaking section is brought within the ambit there seems to be no real objection from any quarters. Certain provisions with regard to the dissolution of marriage and intestate succession may bring radical changes in the existing custom prevailing in the different sections. If suitable amendments could be introduced with regard to these provisions, this Bill could very well be enacted into law. That is a matter which could conveniently be entrusted to a Select Committee.

The point raised by the Law Member is a very important one. This House seems to be of the opinion that the legislation on the lines indicated in the Bill is necessary and it is also unanimous in the view that the legislation should embrace the two sections of the

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Kammala community. In view of the fact that there is an overwhelming opinion in the House that a legislation is necessary, the only question that has to be considered is whether the President who is going to guide the deliberations can allow suitable changes. I do not think that any President will be so stiff..... .

DEPUTY PRESIDENT: Comments on what the President may do are irrelevant.

MR. K. PADMANABHAN (*Chirayinkil I*): That need not be a proposition to debar us from proceeding with this legislation. I would commend the general principle of this Bill to the acceptance of the House and suggest that it may be referred to a Select Committee.

DEPUTY PRESIDENT: It has been pointed out by the Law Member and one or two other members that there will be difficulty in including the Tamil speaking Kammalas also, because of the nature of the Preamble of the Bill as framed by the mover. No doubt, there has been considerable opinion in this House that the Malayalam speaking and Tamil speaking Kammalas must come within its purview. The House has to be very careful that what they do is in pursuance of law and practice. If a thing is proposed in a manner not warranted by the Preamble, the Chairman of the Select Committee, whoever he be, will have to exercise his mind on the question and decide whether such changes shall be allowed to be discussed in the Select Committee. Even if a favourable ruling is given, which itself is problematical, the Bill in its subsequent stages will have to come to this House at its second reading. What the Chair will do on that occasion is equally beyond our forecast now. This must be borne in mind if the House, the mover, or anybody else is anxious to include the Tamil speaking Kammalas also within the scope of the Bill and due and proper action has to be taken. I give this warning.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I would offer a few remarks on some of the Clauses as well as the Preamble of the Bill. When Mr. Nilakantan sought permission for the introduction of this Bill I objected to permission being granted to its introduction. I was of opinion that it would be against the general sense of the Kammala community as a whole, if we bring forward a bill excluding altogether the Tamil section of the Kammalas from its operation. It is of course said among the Objects and Reasons:—

> "If however, any section of the Tamil speaking community so desires they may also be included by adding a provision to that effect."

But that clearly shows that neither we, the members of this House nor the Select Committee has the power to include a provision by which we could bring them within the ambit of this legislation unless there is a demand in unambiguous terms from that section of the Kammalas whom this Bill as it is, is not intended to affect. We will not be competent therefore to insert such a provision in the Bill even if we wish so.

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[Mr. K. R. Elenkath.]

Now, I am not very much concerned with the original stock from which the two sections of the community came. If we are to go into the question of the origin of races and communities, we will have to trace back to the origin of the human race, as from Adam and Eve and advocate for one law to govern all humanity as regards marriage, dissolution, inheritance, succession etc. The only question that now confronts us is whether as it is at the present day found by custom and practice, there is any fundamental difference between the two sections of the community called the Tamil Kammalas and the Malayala Kammalas and whether it is possible or not under the present circumstances to bring them under one law. The mover himself has said that there are Tamil Kammalas in Malayalam speaking areas who speak Malayalam, and Malayala Kammalas in Tamil speaking territories who speak Tamil. We know there are intermarriages between them. We know also that there are intermarriages between the Pandi Kammalas and the Travancore Kammalas. There are also, as the member himself has said, many pretenders who pass from the one section for the other.

There are again some Kammalas who as Mr. Nilakantan himself has admitted wear thread and others who do not wear thread according to their pleasure. Under these complexing circumstances and with such indefinite issues before us, we cannot for a moment think of accepting the Bill as it is. From the general trend of opinion expressed here, it is seen that this House is in favour of making the legislation applicable to both the sections of the Kammalas. If that is conceded many fundamental changes will have to be made in the various clauses of the Bill. The Tamil speaking Kammalas are very much in favour of some stringent clauses which the mover does not anticipate here. He himself has admitted that among one section *viz.*, the Malayala Kammalas dissolution of marriage is a very easy matter. They can dissolve marriages as easily as possible and whenever they please. Among the Tamil speaking or Tamil Kammalas marriages are held to be sacred and dissolution is disallowed. We have therefore, when we are legislating with a view to bring both these sections together, to make drastic changes in the Clauses relating to dissolution of marriages.

Then, Sir, with regard to the maximum compensation to be paid in the case of dissolution of marriage I ask why should Rs. 500 in the case of the husband and Rs. 200 in the case of the wife be fixed by a provision in the Bill? Is it not for the court to fix it, after examining the circumstances of each case? According to the Bill even without looking into the grounds for the dissolution, the maximum has been fixed. I ask why such a maximum should be fixed at all? In cases where the dissolution is made unavoidable the amount may be reduced and in cases where one party is very rich and dissolution could have been avoided why not enhance the amount so that the other party who may not much wish for dissolution but may be coerced to agree to it be benefitted materially? Why should we make a restriction as regards

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compensation to benefit the rich man to the disadvantage of the unwilling partner who as I said may be coerced to give consent for dissolution? Then with regard to the point raised by Mr. A. Thanu Pillai, I hold that the treatment accorded to women especially the daughter is cruel and quite objectionable.

MR. A. EASWARA PILLAI (*Kottarakara*): But is there not stated in Clause 27 "On the death of a Kammala male leaving him surviving none of the heirs mentioned in Sections 22, 24, 25 and 26 but only his daughter or daughters and the lineal male descendents of deceased daughters they shall take the whole property left undisposed of by him at his death".

MR. K. R. ELENKATH (*Kalkulam I*): My point is that here the daughter comes very much below other persons who ought not to get precedence over the daughter. For example priority is given to more distant relations by Clause 26 which says "On the death of a Kammala male leaving him surviving none of the heirs mentioned in Sections 22, 24, and 25, but only his brother or brothers and the lineal male descendents of deceased brothers they shall take the whole property left undisposed of by him at his death.". Thus the daughter inherits the property only if there are neither brothers nor lineal male descendents of deceased brothers. See how inequitous it is to exclude one's own issue—I mean the daughter—and give preference to one who is not directly descended from the owner of the property—I mean the brothers' descendents —.There are again other objectionable Clauses also which need to be amended. Therefore, if it is the general wish of this House to pass this legislation with such modifications as to include the whole community within the ambit of the Bill, it would be well advised to ask the mover of this Bill to bring in another piece of legislation remedying all the defects contained in this Bill.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, the service of Kammalas are indispensable to our country which mainly depend upon agriculture; and a law governing their succession and marital relationship is very desirable for the Kammala community and it is long overdue. For the last 20 or 25 years the law relating to succession and marital relations of several communities in the State were seriously taken into consideration and laws were promulgated accordingly for them. In all those Regulations, Government took upon themselves the responsibility of formulating laws relating to succession and other things. In this case I think that Government were rather tired of the matter.

DEPUTY PRESIDENT: Every word of what you say is irrelevant. We are now only concerned with the principle of the Bill.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I am only developing my arguments that there are no substantial materials before the House whether the principle enunciated in the Bill is just and sufficient as to meet the needs and desires of this particular community. An official enquiry ought to have been made and Government ought to have taken upon themselves the responsibility of ascertaining the views of the leading members of this community which the Government shirk to do.

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DEPUTY PRESIDENT: Mr. Varughese, has made himself quite relevant.

MR. N. E. VARUGHESE (*Tiruvalla I*): And as such, I bring to the notice of this House that there are no official material before the House to know what the requirements of this important community are, what changes they require in the existing customs, what are their evil effects and how they affect the community as a whole. The information that we have at present is not authenticated properly. We are forced to believe what Mr. Nilkantan has informed us, and he obtained the information after consulting only certain members of the community. What I say is that there is another section of the community which is not served in any way by the provisions of this Bill. My friend Mr. Nilakantan wants, as stated in the Preamble, to confine these provisions only to Malayalam-speaking Kammalas. But I will be the last man to associate myself to a bill that will bifurcate an important community in the State. As has been pointed out by the Law Member, it seems that there are very important technical objections which would make it doubtful whether this Assembly or the Select Committee would be able to go on with the further consideration of the Bill. Unless that is assured, the work that would be done by the Select Committee will not fruitify and so I ask what is the benefit of wasting our energy in this matter.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Is it not open to the Select Committee to collect further evidence in the matter by taking evidence from competent members of the community?

MR. N. E. VARUGHESE (*Tiruvalla I*): It is open to them. But I doubt whether it is possible or feasible for the Select Committee to ascertain the views of the members of this community as a whole. They may summon a few witnesses as would be chosen by the mover or some other members of the Select Committee. But is that the way to ascertain the view of the community as a whole.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the member is aware that Government have already made a preliminary enquiry in the matter?

MR. N E. VARUGHESE (*Tiruvalla I*): They might have, but the results of that enquiry are not before us. The members of the Select Committee have now nothing to base their conclusions upon. To a question put to Mr. Nilakantan by me, he answered that different customs prevail among the community in the different taluks of the State. Has the honourable member made any attempt to reconcile those different views and opinions in formulating the provisions in the Bill. I think he has done nothing of that sort. Sir, I know that there are diametrically opposite views in the questions of inheritance and succession among these Kammalas even in a single locality. So it is highly necessary that we must have an official record, a thoroughly scrutinised record to base our conclusions upon.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know what the member means by an official enquiry?

MR. N. E. VARUGHESE (*Tiruvalla I*): An official enquiry means an enquiry conducted under Government auspices, under their control

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and supervision. That is, a valid enquiry, an enquiry the findings of which will have some authoritative weight.

Another point which I object to is the inclusion of Kallassaris among Kammalas. Sir, I beg to submit, that the Kallassaris are entirely different from the other Kammalas. They do not intermarry. In certain places, males may associate but the females would not. They are a totally different community basing their origins on different traces. So to include those persons also among the Kammalas is quite objectionable. Hence, under these circumstances, I am at a loss to decide either way.....

MR. G. NILAKANTAN (*Nominated*): Does the member say that Government have gone wrong to include them as Kammalas?

MR. N. E. VARUGHESE (*Tiruvalla I*): If the so-called Kallassaris, as I know them, are included as Kammalas, I am certain that Gvoernment have gone wrong. Now, Sir, I am at a loss to decide either way. I have not got sufficient materials before me to get convinced that the provisions are quite adequate to meet the desires and necessities of the community. It is not enough that Mr. Nilakantan vouchsafes their soundness; and it is not enough that my other friend, the co-opted member, to say that he is willing to agree to the principle of Bill, provided, the Tamil speaking Kammalas are also included. By reading the whole Bill and after hearing the speech of the honourable member Mr. Nilakantan, it seems that some confusion is brought in the matter. My honourable friend is inconsistent in his views. He has no definite ideas in his mind. The question whether he is right in permitting himself to allow the Tamil speaking Kammalas to come under the scope of the Bill is not definite to him.

Under these circumstances and in the face of these difficulties and technicalities it is better for my honourable friend to withdraw the Bill and substitute another in a more comprehensive manner after ascertaining the views of all those who are likely to be affected by this Bill.

I think it will be better for my friend to withdraw the Bill and substitute another bill in a more comprehensive manner, after ascertaining the views of both of these sub-divisions. Their views should be obtained officially if possible. After that, if another Bill is introduced it will serve the needs of the community. As it is, I am under a dilemma and I am not representing any opinion either to support or oppose this Bill.

MR. P. C. KURIYAN (*Kottayam I*): I am rather nervous to take one side or other.

DEPUTY PRESIDENT: I think there will be time to get over your nervousness', because the House will now adjourn and meet again at 11 o'clock tomorrow.

The House adjourned at 5-3 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

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